



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: March 19, 2009

APPLICANT: Parviz (David) Natanzi
5134 Kanan Road
Agoura Hills, CA 91301

TO: Planning Commission

CASE NO.: 08-CUP-006 and 08-VAR-005

LOCATION: 5051 Kanan Road
(A.P.N. 2061-004-040)

REQUEST: Request for approval of a Conditional Use Permit to construct a new 2,002 square foot, retail mini-mart and an additional fuel dispenser for an existing Chevron gasoline station; and a request for a Variance from Zoning Ordinance Section 9393.11 to construct the building on the rear (west) and south side property lines instead of providing the minimum building setback requirement of 18 feet.

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15301.

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 08-CUP-006 and Variance Case No. 08-VAR-005, subject to conditions, based on the findings of the attached draft resolution.

ZONE DESIGNATION: CRS-FC (Commercial Retail Service – Freeway Corridor Overlay) zone

GENERAL PLAN DESIGNATION: CG (Commercial Retail /Service)

I. BACKGROUND AND PROJECT DESCRIPTION

The applicant, Parviz (David) Natanzi, owner of the Chevron gasoline station, is requesting approval of a Conditional Use Permit application to construct a new 2,002 square foot, retail/mini-mart building. The proposed on-site location of the building requires approval of a setback Variance. An additional fuel dispenser is also proposed for the station. The project is located at 5051 Kanan Road in the CRS-FC (Commercial-Retail Services - Freeway Corridor) zone. Adjacent property uses include the U.S. 101 Freeway to the north; Kanan Road to the east; and Kanan Village shopping center to the south and west. Access to the site is taken from Kanan Road by two access driveways.

The Chevron gasoline station has 10 pumps and the pump islands are under a canopy structure that measures 3,590 square feet. In addition, there is a separate 223 square-foot structure for restroom use and storage that is located on the property's western boundary, near the southwest corner of the site. The shed enclosure contains 82 square feet. Trash bins are enclosed in this same area. A 125 square foot kiosk structure is centrally located on the site and is used primarily for business transactions related to the sale of gasoline, with supplemental sales of cigarettes, candy and limited beverages.

The applicant is proposing to demolish the existing kiosk, bathroom/storage building, and trash enclosure to build the new building. The proposed retail mini-mart use, which would be ancillary to the service station, is allowed in the CRS-FC zone, subject to the Planning Commission's approval of a Conditional Use Permit. The new retail min-mart building meets the required development standards relative to height, lot coverage and parking. Pertinent data for the project is given below.

Pertinent Data for the Proposal

<u>Development Standards</u>	<u>Existing</u>	<u>Proposed</u>	<u>Allowed/ Required</u>
1. Lot Size	0.51 acres (22,360 sq. ft.)	0.51 acres (22,360 sq. ft.)	10,000 sq. ft. min. (0.22 acres min.)
2. Building Size			
a. Retail Mini-Mart:	125 sq. ft. (Demolish)	2,002 sq. ft. (New)	N/A
a. Restroom/Storage:	223 sq. ft.	Demolish	N/A
b. Shed:	82 sq. ft.	Demolish	N/A
c. Canopy:	3,590 sq. ft.	3,590 sq. ft.	N/A

3. Building Height	N/A	26.6 ft.	35 ft. max.
4. Building Setbacks			
a. Front (east):	186 ft.	171 ft.	20 ft. min.
b. Rear (west):	1.5 ft.	0 ft.	18 ft. min.
c. Side (north):	99 ft.	70 ft.	18 ft. min.
d. Side (south):	20 ft.	0 ft.	18 ft. min.
5. Bldg. Lot Coverage	17%	25%	60% max.
6. Parking	6 spaces	9 spaces	9 spaces min.
7. Landscaping			
a. On-site:	9.7%	11.1%	20%
b. Off-site:	6.2%	6.7%	N/A
c. Total on- & off-site:	15.9%	17.8%	N/A

II. STAFF ANALYSIS

Site Plan

The subject property is 0.51 acres in size with a fully operational Chevron gas station on the site that was built in 1987. In order to construct the project, it will be necessary to eliminate the existing kiosk, restroom/storage building, and trash enclosure. The existing kiosk structure is primarily dedicated to fuel sales, with limited sale items including cigarettes, snacks and beverages. The new structure will be 1,877 square feet larger than the existing kiosk with additional floor area to accommodate a new food mini mart that offers more retail variety. There is sufficient on-site parking and adequate circulation on-site to accommodate this mini-mart use.

Presently, the Chevron service station operates seven (7) days a week, twenty-four (24) hours a day. These hours will be maintained with the new mini-mart. There will be one employee per shift. The 2,002 square foot building will consist of an approximate 110 square foot cashier area, 525 square foot storage room, 120 square foot restroom, and a 1,247 square foot mini-mart area. The mini-mart area would have shelving with food displayed, refrigerator coolers with drinks, newspaper racks, soda dispensers and a coffee maker for selling coffee. The off-site sale of alcoholic beverages is prohibited in the Freeway Corridor Overlay zone.

Architectural Design

The new 2,002 square foot building will be single-story in height and consist of stone cladding for the lower portion of the building on the front and sides of the building, and smooth stucco finished in tan "Crème Brulee", beige "Basic Khaki", and off-white "Whisper Buffs" colors for the rest of the building, with dark brown colored corbels. An entry tower element has been designed at the center of the building of the front (east) elevation facing Kanan Road. A rust colored tile roof is included on this tower roof element. A cornice molding element has been applied around the entire building along the parapet and a stucco vertical band is applied along the building walls on all four elevations to accent the building. The applicant is proposing to add a 20 foot deep by 38 feet wide strip of decorative paving at both existing driveways entrances. The City Architectural Review Panel (ARP) found the architectural style of the proposed building to be in keeping with the Freeway Design Overlay requirements and the City Architectural Design Guidelines and Standards.

Parking

The Zoning Ordinance requires that a self-service gas station provide a minimum of one (1) parking space for each employee on the largest shift. In addition, a food market use requires one parking space for every 250 square feet of gross floor area. In this instance, the required 9 parking spaces are being met. The City Traffic Engineer has reviewed and supports the proposed on-site parking lot circulation and configuration.

Landscape Plan

The site is currently landscaped and is located within the Freeway Corridor Overlay (FC) zone that promotes a naturalistic and native environment by utilizing natural landscaping to enhance the scenic quality of the freeway corridor. A preliminary landscape plan has been reviewed and conceptually supported by the City Landscape Consultant. However, the City Landscape Consultant will work with the applicant's landscape architect to include additional native plants to the plant palette prior to the issuance of the building permits. This has been included as a condition of approval.

In addition to the on-site landscaping there is a portion of landscaping along the freeway off-ramp, at the north side of the property. This landscaping, within the Caltrans right-of-way, visually appears to be a part of the site and is currently maintained by the applicant through an agreement with the City. The applicant proposes to improve this off-site parcel by adding required landscape berming and replacing the existing turf with native groundcover. The applicant will also add landscape planters along the freeway off-ramp where none currently exists. Although the required Caltrans chain-link fence will remain on the north end of the planter area, the plant species in the freeway right-of-way will blend seamlessly with the proposed on-site improvements and the applicant will continue to maintain the off-site landscaping according to his signed agreement with the City.

The CRS-FC zone for automobile service stations requires a minimum of twenty percent (20%) of the site be landscaped. The site is presently non-conforming with on-site landscaping at 9.7%. The proposed construction would bring the site to 11.1% of landscape coverage.

In combining the proposed on-site and off-site landscaping, the total landscape would be closer to conformance, by approximately one and one-half percent (1.5%), as shown in the following table:

Description	Existing Areas	Existing Percentage	Proposed Areas	Proposed Percentage
Site Area	22,360 sq. ft.		22,360 sq. ft.	
Landscape Required	4,472 sq. ft.	20%	4,472 sq. ft.	17.8%
Landscape (On-site)	2,175 sq. ft.	9.7%	2,490 sq. ft.	11.1%
Landscape (Off-site)	1,376 sq. ft.	6.2%	1,489 sq. ft.	6.7%
Landscape (Total)	3,551 sq. ft.	15.9%	3,979 sq. ft.	17.8%

The applicant has met the requirement that fifteen percent (15%) of the parking lot, including driveways and drive aisles, shall be landscaped and distributed evenly throughout the parking lot.

The CRS-FC zone also requires a minimum yard of twenty (20) feet along Kanan Road. The existing planter located between the entry and exit drives is fifteen (15) feet deep. Due to widths required for adjacent parking spaces and drive aisles, the applicant is unable to increase the width of the yard to meet the requirement of 20 feet or the height of the building. The Planning Commission has discretion to reduce the width of the landscape planter to be as narrow as 10 feet.

The applicant and his landscape architect have worked with staff to place landscaping wherever possible within the limitations created by the site and the requirements created by items such as parking drive aisles and tanker path requirements. When taking into consideration the on-site landscaping and the off-site landscaping that appears to be part of the parcel, the applicant's proposed design would bring the site very close to conformance at 17.8% coverage.

Engineering

Since grading quantities for construction of the new building are anticipated to be less than 50 cubic yards, a grading permit would not be required for the project. No improvements with the public right-of-way are required for this project. However, the applicant will be required to pay traffic improvement fees for the new construction.

Variance

The applicant is requesting a Variance from the Zoning Ordinance Section 9393.11 to construct the new building on the rear (west) and south side property lines instead of providing the minimum building setback requirement of 18 feet. Pursuant to Section 7676.2.E of the Zoning Ordinance, the Planning Commission may grant a variance if each of the following findings can be made. Staff's analysis is included with each required finding.

1. Required Finding

The size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

Staff Analysis

The CRS zone requires automobile service stations to be set back from interior property lines a minimum of eighteen (18) feet. In this case, the constraints of the site with the location of the pump islands, pump island canopy, the on-site drive aisles, and parking precludes the placement of the new building at least 18 feet from the rear and south side property lines while still maintaining existing gasoline pumps and providing the required on-site circulation and parking within the property. Also, because of the constraints of the site, there is limited space elsewhere on the property to construct the building; therefore, the requested location to construct the retail mini-mart is the most logical location for the building and will allow the building to be visible, accessible, and functional without obstructing circulation within the property.

2. Required Finding

The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Staff Analysis

The gasoline station is currently a developed parcel constrained by existing pump islands in the middle of the lot. The new building would be located an estimated 20 feet from the adjacent I-Hop restaurant building to the west of the lot and would therefore provide a visual buffer between the two buildings as intended by the yard setback requirements for automobile service stations. The property meets the front and north side yard setbacks. The building height is proposed at 26.5 feet high which is well below the allowed maximum 35 feet. Aside from this Variance and non-conforming landscaping, this project meets all other development standards, including lot coverage and parking requirements.

3. Required Finding

The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

Staff Analysis

Requiring the minimum 18 foot setback requirement would be a practical difficulty in yielding a viable building envelope while still ensuring a safe and efficient circulation of vehicle and pedestrian traffic on the site.

4. Required Finding

The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

Staff Analysis

The proposed location of the building allows for necessary on-site circulation and parking within the property without encroaching into the required on-site drive aisles. The building will be built in accordance to the requirements of the City Building and Safety Department. The proposed location of the building will preserve adequate light, air, and privacy to the adjoining lot in that the proposed building will be one-story in height and a distance of over 20 feet from the nearest building to the west. There is already an existing restroom building that will be replaced.

5. Required Finding

The granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis

The proposed building will be consistent with the surrounding retail buildings along Kanan Road in that the exterior building materials include stone cladding, stucco, and a rust colored tile roof. The new building will have additional floor area to accommodate a new food mini-mart and is designed to provide sufficient parking for the total square footage proposed. The landscaping coverage is similar to that of adjacent parcels.

Environmental Review

The project includes construction of a new commercial retail/mini-mart building and new fuel dispenser to an existing gas station and is determined by staff to be categorically

exempt from the California Environmental Quality Act per Section 15301, and does not require the preparation of a negative declaration or environmental impact report.

III. RECOMMENDATION

Based on the foregoing analysis, it is recommended that the Planning Commission approve Conditional Use Permit Case No. 08-CUP-006 and Variance Case No. 08-VAR-005, subject to conditions, by adopting a motion to approve the Draft Resolution.

IV. ATTACHMENTS

- Draft Resolution and Conditions of Approval for Conditional Use Permit
- Draft Resolution and Conditions of Approval for Variance
- Reduced Photocopies of the Plans
- Rendering of Commercial Retail Mini-Mart
- Vicinity Map

Case Planner: Renee Madrigal, Assistant Planner

DRAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
APPROVING CONDITIONAL USE PERMIT CASE NO. 08-CUP-006

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY
FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Parviz Natanzi with respect to the real property located at 5051 Kanan Road, Assessor's Parcel Number 2061-004-040, requesting the approval of a Conditional Use Permit Case No. 08-CUP-006 to construct a new 2,002 square foot, retail mini-mart and an additional fuel dispenser for an existing Chevron service station. A Public Hearing was duly held on March 19, 2009, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives of the zoning ordinance and the purposes of the district in which the use is located. The property is within the CRS zone, which allows for the operation of a mini-mart as an ancillary use to a service station with the granting of a Conditional Use Permit. The proposed building meets the development standards for the CRS-FC-OA zone relative to building height, setbacks, lot coverage, landscaping coverage and parking requirements.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The mini-mart use is a commercial use and would be located in the CRS zone, similar to the adjacent shopping center located south and west of the parcel. The mini-mart would also be like and similar to the same use as the neighboring USA service station on Kanan Road.

C. The proposed use, as conditioned, and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. Access to the property will be via two driveways on Kanan Road to the east of the site. Additionally, there is sufficient on-site parking and adequate circulation to accommodate the use. The hours of operation are in keeping with other freeway-serving mini-mart uses in the City.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the development standards of the Commercial/Retail Services and Freeway Service zone relative to lot coverage, building height, and compatible use. The mini-mart use is a permitted use with the approval of a Conditional Use Permit.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The proposed use would be one of only three mini-mart uses within a gasoline station within the two mile radius.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed mini-mart ancillary to the gas station is a permitted use within the CRS land use district and provides goods and amenities for the highway traveler and local residents of the area. The proposed mini-mart is a retail use which offers a variety of retail goods and amenities, as called for per Policy No. 1.3 of the General Plan Land Use Element.

Section IV. The Planning Commission finds the proposed retail mini-mart to be categorically exempt from the California Environmental Quality Act (CEQA), per Section 15301.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 08-CUP-006, subject to the attached Conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED and ADOPTED this 19th day of March, 2009 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL (Case No. 08-CUP-006)

STANDARD CONDITIONS

This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.

1. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
2. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Site Plan, Elevation Plans, and Floor Plan.
3. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
4. All exterior materials used in this project shall be in conformance with the materials samples submitted as a part of this application.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless set forth in the Permit or on the approved Site Plan.
7. All structures shall conform to the requirements of the Division of Building and Safety of the City of Agoura Hills.
8. Unless this permit is used within two (2) years from the date of City approval, Case No. 08-CUP-006 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
9. The applicant shall pay to the City the applicable General Plan Update Recovery Fee prior to the issuance of a Building Permit. The current fee is \$1.41/\$1,000 of building valuation. Actual fees will be determined at the time of building permit issuance.
10. All outstanding fees owed to the City, if any, shall be paid by the applicant within thirty (30) days from the date of this approval.

11. It is the responsibility of the applicant and/or his or her representative to report to the City any changes related to any aspects of the construction prior to undertaking the changes.

BUILDING AND SAFETY

12. The City Building Code requires all new buildings to be protected by a fire sprinkler system. Plans for the required system shall be approved by the Fire Department prior to the issuance of Building Permits for the new structure. Fire Sprinklers are required per Sec. 903.2 of the Agoura Hills Building Code.
13. Exterior elements and materials must be in compliance with all Very High Fire Hazard Severity (VHFHSZ) zone requirements as outlined in Chapter 2 of Article VIII in the AHMC.
14. The applicant shall provide a soils report for this project.
15. Projects shall demonstrate the use of Class-A roofing material.
16. Preliminary and final site plan and construction plan shall show location of A/C condensing units or other HVAC equipment located on or around structure.

ENGINEERING/PUBLIC WORKS DEPARTMENT CONDITIONS

The following conditions are required:

Prior to Permitting (Grading, Building, Encroachment, etc)

17. All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California, and submitted to the City Engineer for review and approval.
18. For all work within public right-of-way, the applicant shall obtain an Encroachment Permit. Prior to issuance of this permit, all public improvement plans, which include but are not limited to, street, water, sewer, storm drain, lighting, signing and striping, etc shall be reviewed and approved by the City Engineer. Water plans shall be designed to meet LVMWD standards and contain a signature block for the City Engineer. All associated fees and securities shall be based upon completed Engineering Cost Estimate forms, approved by the Engineering Department. Forms are available for download from the City's website at www.ci.agoura-hills.ca.us.
19. Applicant shall pay all applicable Transportation Impact Fees (TIF) to the Building and Safety Department. TIF fee shall be based on the approved rate for a commercial use, and not a residential use.

20. Detail on-site utility information shall be shown on the grading plan, which indicates, but is not limited to, backflow prevention devices, exact location of laterals water meter size and location, invert elevations and grades for all gravity lines. The grading plan will not be approved by the Engineering Department until this detailed utility information is included on the plans.
21. The applicant shall submit electronic files (i.e., CAD file, on disc) of project-related off-site improvement plans as deemed necessary by the City Engineer. These electronic files shall accompany original mylars of improvement plans to be approved/signed by the City Engineer. Improvement plans will not be approved by the City Engineer if not accompanied by CAD files.
22. Submit a soils/geology report to the project engineer for review and approval in accordance with Government Code, Section 66434.5 as required by the City Engineer.
23. Prior to issuance of permits from the Engineering Department, this project may require a permit from the Las Virgenes Municipal Water District.
24. Building permits shall not be issued until graded building pad(s) have been certified for compaction and elevation to the City's satisfaction. Contact the Engineering Department @ 818 597-7322 for approved City certification forms.
25. Provide a preliminary title report not older than 30 days. Any conflict with recorded documents (i.e. easements, dedications, etc.) and the proposed project will be resolved at the plan check stage to the City Engineer's satisfaction..

Public Improvements

26. Design full public improvements in accordance with City Code, Specifications, approved specific plan, and/or approved Conditions of Approval for the area. Such public improvements on Canwood Street shall include, but not be limited to: replace all damaged AC pavement during construction; replace and/or modify existing ADA access ramp to being in compliance with ADA requirements, if necessary; and all water appurtances are per LVMWD standards.
27. This property is within the LVMWD service area. Applicant shall make arrangements with LVMWD for those services and provide the City with proof that all LVMWD fees have been paid.

Sewer

28. Applicant shall use existing laterals, whenever provided, for connection to the public sewer system.

Water

29. All water facilities shall be designed to comply with all LVMWD requirements. Final plans must be reviewed and approved by LVMWD and City.

Drainage/Hydrology

30. A hydrology study and drainage analysis, prepared and signed by a Civil Engineer registered in the State of California, in accordance with the Los Angeles County Hydrology Manual is required. Additional drainage facilities or portions of the site/grading plan may need to be altered as a result of the findings of this study.

Stormwater Quality (NPDES)

31. Prior to the approval of the Building Plans and issuance of Building Permits, an Erosion and Sediment Control Plan (ESCP) shall be submitted to and approved by the Engineering Department. The Erosion and Sediment Control Plan shall specifically identify the Best Management Practices (BMPs) that will be implemented on this project, during construction, to reduce the discharge of sediment and other pollutants into the City's storm drain system. Said plan shall ensure, among other things, that the following minimum requirements are effectively implemented at all construction sites:
- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 - c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
32. Prior to the approval of the Grading Plan and issuance of Grading Permits, a completed Standard Urban Stormwater Mitigation Plan (SUSMP) shall be submitted to and approved by the Engineering Department. The SUSMP shall be prepared per the Los Angeles County Standard Urban Stormwater Mitigation Plan (SUSMP) design guidelines. SUSMP shall identify, among other things, all Post-Construction, Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

33. SWPPP Plan – All projects that develop one (1) acre or more of total land area or which are part of a larger phased development that will disturb at least one acre of land, are required to prepare a Storm Water Pollution Prevention Plan (SWPPP), utilizing the model form in Appendix B of the 2003 CASQA Stormwater BMP Handbook for Construction at: www.cabmphandbooks.com and submit a copy of the plan to the City of Agoura Hills Engineering Department for review. A copy of the adopted SWPPP shall be maintained in the construction site office at all times during construction and the Site Superintendent shall use the plan to train all construction site contractors and supervisory personnel in construction site Best Management Practices, prior to starting work on the site.

Said plan shall, among other things, ensure that the following minimum requirements are effectively implemented at all construction sites:

- a. Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
 - b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to the streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
 - c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site;
 - d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes and covering erosion susceptible slopes.
34. A Best Management Practice (B.M.P.) Covenant and Deed Restriction shall be prepared and recorded with the Los Angeles County Recorder's office by the applicant prior to issuance of a Certificate of Occupancy.

Prior to Certificate of Occupancy

35. All remaining fees/ deposits required by the Engineering Department must be paid in full.
36. All requirements including construction of improvements covered in Section 2, must be completed to the satisfaction of the City Engineer.
37. The Applicant's Engineer shall submit a set of MYLAR, Record (as-built) Drawings, for off-site improvements, to accurately reflect the constructed improvements. This set of Record Drawings reflecting all change orders during construction, must be submitted to the City via City's inspection prior to scheduling of final inspection for acceptance of the improvements. *Please note that no final*

inspection will be scheduled and subsequently no release of securities, posted for the project if any, will take place unless MYLAR, Record (As-built) Drawings, satisfactory to the City, are submitted.

38. The applicant shall *record a covenant for continued stormwater maintenance, using City-approved forms*, with the Los Angeles County. An electronic copy of this document is available on the City's website: www.agoura-hills.ca.us.

LANDSCAPE CONDITIONS

39. The final landscape plan shall generally conform to the approved preliminary landscape plan, as prepared by The Fiedler Group dated September 25, 2008 and revised February 24, 2009.
40. Prior to the approval of building permits, the applicant shall submit three (3) sets of landscape plans meeting the following requirements:
- a. A California-licensed landscape architect shall prepare, stamp and sign the plans.
 - b. All plans shall be legible and clearly drawn.
 - c. Plans shall not exceed thirty inches (30") by forty-two inches (42") in size. Plans shall be a minimum of twenty-two inches (22") by thirty-six inches (36") in size.
 - d. A true north arrow and plan scale shall be noted. The scale shall be no smaller than one inch equals twenty feet (1"=20'), unless approved by the City Landscape Consultant.
 - e. A title block shall be provided, indicating the names, addresses and telephone numbers of the applicant and landscape architect.
 - f. The project identification number shall be shown on each sheet.
 - g. The plans shall accurately and clearly depict the following existing and proposed features:
 - Landscape trees, shrubs, ground cover and any other landscaping materials
 - Property lines
 - Streets, street names, right-of-ways, easements, driveways, walkways, bicycle paths, and any other paved areas
 - Buildings and structures
 - Parking areas, including lighting, striping and wheel stops
 - General contour lines

- Grading areas, including tops and toes of slopes
 - Utilities, including street lighting and fire hydrants
 - Natural features, including watercourses, rock outcroppings
- h. The Planting Plan shall indicate the botanical name and size of each plant.
41. Plant symbols shall depict the size of the plants at maturity. Tree spacing specifically shall be adjusted to allow for optimum growth of each tree species.
42. Plant container sizes and/or spacing shall be provided. Minimum sizes shall be acceptable to the City Landscape Consultant and the Director.
43. The landscape plans shall prominently display the following notes:
- a. All plant material shall conform to the most recent edition of ANSI Z60.1 - American Standard for Nursery Stock.
 - b. All trees shall also conform to the California Department of Forestry and Fire Protection "Standards for Purchasing Container-Grown Landscape Trees."
 - c. Prior to scheduling an inspection of the landscape installation with the City, the applicant's landscape architect shall certify in writing that the installation is in conformance with the approved landscape plans.
44. The Irrigation Plan shall be provided separate from but utilizing the same format as the Planting Plan.
45. The irrigation design shall provide adequate coverage and sufficient water for the continued healthy growth of all proposed plantings with a minimum of waste and over spray on adjoining areas.
46. The Irrigation Plan shall be concise and accurate and shall include the manufacturer, model, size, demand, radius, and location of the following, as appropriate:
- a. Design and static pressures
 - b. Point of connection
 - c. Backflow protection
 - d. Valves, piping, controllers, heads, quick couplers
 - e. Gallon requirements for each valve
47. Three (3) copies of details and specifications shall be provided, addressing but not limited to, planting, soil preparation, tree staking, guying, installation details, and post installation maintenance.

48. One copy of each of the following approved plans shall be submitted with the initial landscape plan check:
 - Site Plan
 - Elevations
 - Grading Plan
 - Conditions Of Approval
49. A complete Landscape Documentation package is required at the time of initial plan check submittal, prepared in accordance with Article IX, Section 9658.6 – Water Efficient Landscaping, contained in the Zoning Code.
50. In accordance with the Freeway Corridor Overlay District, the final plant palette and arrangement shall provide a naturalistic and native theme. The landscape design shall enhance the scenic quality of the freeway corridor to the satisfaction of the Director.
51. The landscape plan shall include one (1) twenty-four inch (24”) box size oak tree per fifteen thousand (15,000) gross square feet of building area.
52. The final plans shall not include any palm species.
53. All plant material must be considered compatible with Sunset Zone 18.
54. Non-native plants considered invasive in the Santa Monica Mountains shall not be included within the final plant palette.
55. Proposed light standard locations shall be depicted on the planting plan. Any conflicts between light standard and tree locations shall be resolved to the satisfaction of the City Landscape Consultant.
56. The landscape plan must be approved by the Fuel Modification Unit at the County of Los Angeles Fire Department.
57. Landscaped areas shall be a minimum of four feet (4’) wide (including curbs). Due to site constraints, a portion of the planting area along the south wall is only two feet (2’). The applicant’s landscape architect shall work with the City’s landscape consultant to reach a more sustainable planting solution in this difficult urban situation.
58. The approved preliminary landscape plan incorporates undulating or embanked berming at the north property line; the applicant’s landscape architect shall provide additional berming to the satisfaction of the City’s landscape consultant.
59. Shade trees shall be provided such that fifty percent (50%) of the parking lot, including driveways and aisles, shall be covered by tree canopies within fifteen (15) years after installation. Canopy coverage calculations on the preliminary planting plan show total proposed canopy coverage within 15 years to be forty-three percent (43%). The

Applicant and his landscape architect shall work with the City's landscape consultant to further optimize canopy coverage within the limits of site constraints.

60. All landscaping shall be irrigated and maintained in perpetuity in accordance with the approved Landscape Plan.
61. Poor landscape practices such as topping, hedging and "lollipoping" shall not be permitted and may require that plant materials be replaced with like size materials at the discretion of the City Landscape consultant.

SOLID WASTE MANAGEMENT STANDARD CONDITIONS

62. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused, or recycled, the applicant shall submit a "Waste Reduction & Recycling Plan" to the City for review and approval. The plan shall provide for at least 50% of the waste generated on the project to be diverted from the landfill. Plans shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The plan shall be submitted to and approved by the Department of Planning and Community Development prior to issuance of a building permit. The plan shall include the following information: material type to be recycled, reused, salvaged, or disposed; estimated quantities to be processed, management method used, and destination of material including the hauler name and facility location. The City's Waste Reduction & Recycling Plan form or a similar format shall be used.
63. The project shall comply with the plan and provide for the collection, recycling, and/or reuse of materials (i.e. concrete, wood, metal, cardboard, green waste, etc.) and document results during demolition and/or construction of the proposed project. After completion of demolition and/or construction, the applicant shall complete a Waste Reduction & Recycling Summary Report and provide legible copies of weight tickets, receipts, invoices or letters of verification for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, the applicant shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused and the project generating the discarded materials. The Waste Reduction & Recycling Summary Report shall be submitted and approved prior to issuance of a certificate of occupancy, or final inspection if issuance of a certificate of occupancy is not applicable.
64. The applicant shall arrange for materials collection during construction, demolition, and occupancy with a City permitted hauling company, or shall arrange for self-hauling to an authorized facility.

SPECIAL CONDITIONS

65. A minimum of 9 parking spaces shall be provided on the subject property. All parking spaces shall be pin-stripped (double-stripped), in conformance with the City Parking Ordinance.
66. Per Freeway Corridor Overlay requirements the sale of alcoholic beverages is prohibited.
67. No new signs are approved as part of this application.

END

DAFT RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS APPROVING
VARIANCE NO. 08-VAR-005

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY
FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Parviz Natanzi with respect to the real property located at 5051 Kanan Road, Assessor's Parcel Number 2061-004-040, requesting the approval of a Variance from Zoning Ordinance Section 9393.11 to construct a building on the rear (west) and south side property lines instead of providing the minimum building setback requirement of 18 feet. The request for the Variance was filed in conjunction with an application for a Conditional Use Permit Review (Case No. 08-CUP-006) for the development of a 2,002 square-foot retail mini-mart and an additional fuel dispenser for an existing Chevron service station. A Public Hearing was duly held on March 19, 2009, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid Public Hearings.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance regarding the Variance request described in Section I, that:

A. The size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification. The CRS zone requires automobile service stations to be set back from interior property lines a minimum of eighteen (18) feet. In this case, the constraints of the site with the location of the pump islands, pump island canopy, the on-site drive aisles, and parking precludes the placement of the new building at least 18 feet from the rear and south side property lines while still maintaining existing gasoline pumps and providing the required on-site circulation and parking within the property. Also, because of the constraints of the site, there is limited space elsewhere on the property to construct the building; therefore, the requested location to construct the retail mini-mart is the most logical location for the building and will allow the building to be visible, accessible, and functional without obstructing circulation within the property.

B. The granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The gasoline station is currently a developed parcel constrained by existing pump islands in the middle of the lot. The new building would be located an estimated 20 feet from the adjacent I-Hop restaurant building to the west of the lot and would therefore provide a visual buffer between the two buildings as intended by the yard setback requirements for automobile service stations. The property meets the front and north side yard setbacks. The building height is proposed at 26.5 feet high which is well below the allowed maximum 35 feet. Aside from this Variance and non-conforming landscaping, this

project meets all other development standards, including lot coverage and parking requirements.

C. The strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance. Requiring the minimum 18 foot setback requirement would be a practical difficulty in yielding a viable building envelope while still ensuring a safe and efficient circulation of vehicle and pedestrian traffic on the site.

D. The granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity. The proposed location of the building allows for necessary on-site circulation and parking within the property without encroaching into the required on-site drive aisles. The building will be built in accordance to the requirements of the City Building and Safety Department. The proposed location of the building will preserve adequate light, air, and privacy to the adjoining lot in that the proposed building will be one-story in height and a distance of over 20 feet from the nearest building to the west. There is already an existing restroom building that will be replaced.

E. The granting of the Variance will be consistent with the character of the surrounding area. The proposed building will be consistent with the surrounding retail buildings along Kanan Road in that the exterior building materials include stone cladding, stucco, and a rust colored tile roof. The new building will have additional floor area to accommodate a new food mini-mart and is designed to provide sufficient parking for the total square footage proposed. The landscaping coverage is similar to that of adjacent parcels.

Section IV. The project is a request for a new retail mini-mart structure and is exempt from the California Environmental Quality Act (CEQA), per Section 15301 and does not require adoption of an environmental impact report or negative declaration.

Section V. Based on the aforementioned findings in Section III the Planning Commission hereby approves Variance Case No. 08-VAR-005. This Variance is valid only in conjunction with Conditional Use Permit Review Case No. 08-CUP-006.

PASSED, APPROVED, and ADOPTED on this 19th day of March, 2009 by the following vote to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

John O'Meara, Chairperson

ATTEST:

Doug Hooper, Secretary

CONDITIONS OF APPROVAL (Case No. 08-VAR-005)

STANDARD CONDITIONS

1. This decision, or any aspect of this decision, can be appealed to the City Council within fifteen (15) days from the date of Planning Commission action, subject to filing the appropriate forms and related fees.
2. This action shall not be effective for any purpose until the applicant has agreed in writing that the applicant is aware of, and accepts all Conditions of this Permit with the Department of Planning and Community Development.
3. Except as modified herein, the approval of this action is limited to and requires complete conformation to the approved Site Plan, Floor Plan, and Elevation Plans approved by the Planning Commission on March 19, 2009.
4. It is hereby declared to be the intent that if any provision of this Permit is held or declared to be invalid, the Permit shall be void and the privileges granted hereunder shall lapse.
5. It is further declared and made a Condition of this action that if any Condition herein is violated, the Permit shall be suspended and the privileges granted hereunder shall lapse; provided that the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty (30) days.
6. Unless the approval is used within two (2) years from the date of City approval, Case No. 08-VAR-005 will expire. A written request for a one (1) year extension may be considered prior to the expiration date.
7. The Variance Case No. 08-VAR-005 requires complete compliance with the conditions of Conditional Use Permit Case No. 08-CUP-006.

END



fedtgroup
 Architecture
 Engineering
 Project Management
 2525 N. Kanan Road
 Agoura Hills, CA 91301
 Phone: (818) 461-7291
 Fax: (818) 461-7292
 fedtgroup.com

NOTES:
 1. REVISIONS SHALL BE INDICATED BY A LETTER AND A NUMBER. ALL REVISIONS SHALL BE ACCOMPLISHED BY A SEPARATE SHEET.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO ORDERING.
 4. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 5. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S MAINTENANCE INSTRUCTIONS.
 6. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S WARRANTY REQUIREMENTS.
 7. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SAFETY REQUIREMENTS.
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GENERAL NOTES:

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EXTERIOR FINISHES:

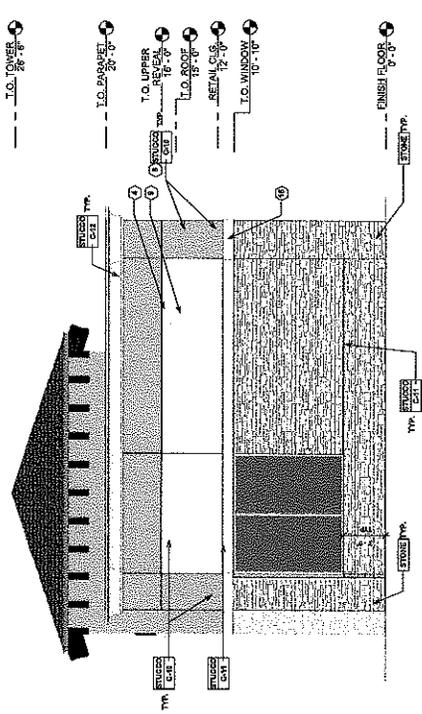
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EXTERIOR PAINTS:

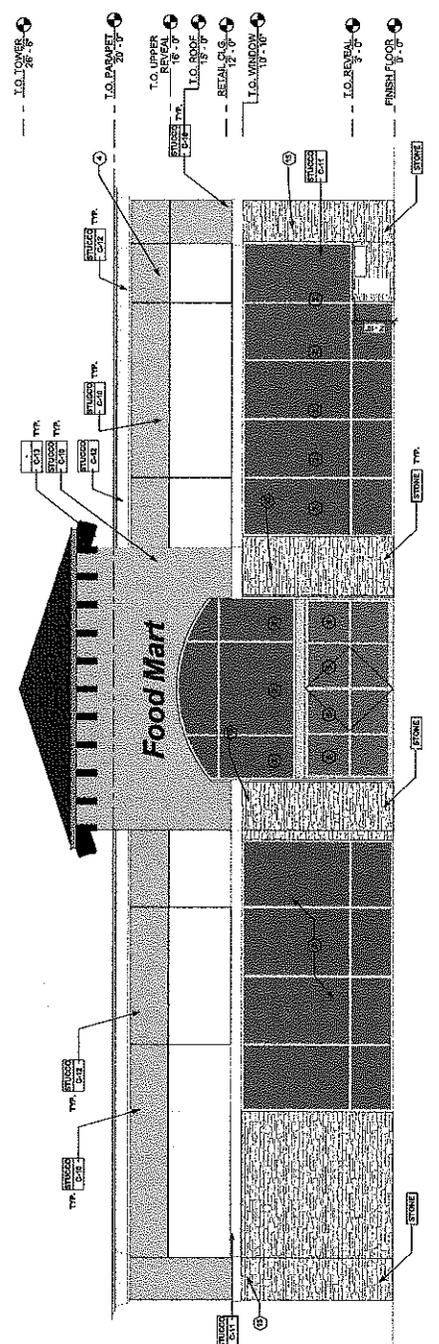
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KEYED NOTES:

- 1. BRASS
- 2. ALUMINUM EXTRUSION SYSTEM
- 3. EXTERIOR LIGHT
- 4. ROOF TOP AIR CONDITIONING UNIT
- 5. AIR HANDLING UNIT
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1 RIGHT ELEVATION
 SCALE: 1/8" = 1'-0"



2 FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

EXISTING STATION
 BUILDING & M.P.D.
 2525 N. KANAN ROAD
 @ HIGHWAY 101
 AGOURA HILLS, CA
 91301

PROJECT NO. 122503
DATE 12/25/03
SCALE 1/8" = 1'-0"

DESIGNED BY C.A.E. / P.P.
CHECKED BY C.A.E. / P.P.
DATE 12/25/03
PROJECT NO. 122503
SCALE 1/8" = 1'-0"

DATE 12/25/03
SCALE 1/8" = 1'-0"

EXTERIOR ELEVATION

A.2

